

## EXHIBIT 75

VOLUME 1

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**Before The Honorable YVONNE GONZALEZ ROGERS, Judge**

EPIC GAMES, INC.,	)	
	)	
Plaintiff,	)	NO. C-20-5640 YGR
	)	
vs.	)	Monday, May 3, 2021
	)	
APPLE, INC.,	)	Oakland, California
	)	
Defendant.	)	BENCH TRIAL
	)	
APPLE, INC.,	)	
	)	
Counterclaimant,	)	
vs.	)	
	)	
EPIC GAMES, Inc.,	)	
	)	
Counter-Defendant.	)	
	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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**YONATAN EVEN, ESQUIRE**

(Appearances continued.)

Reported By: Diane E. Skillman, CSR 4909, RPR, FCRR  
Official Court Reporter

TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

1 was not appropriate at all. It was very large, it required a  
2 lot of resources, storage, memory, compute power. It wasn't  
3 very efficient for battery life in the way we would need for a  
4 phone. It didn't connect at all with cellular networks or do  
5 phone calling in any regard at all, and so what the team had  
6 to do was redesign the operating system and start from  
7 scratch, strip it down, remove everything they could to make  
8 it work on a small device, and then build it up to the  
9 capabilities that an iPhone would need.

10 **Q.** And were there any concerns specific to the fact that this  
11 device was to be a mobile phone?

12 **A.** Absolutely.

13 **Q.** And can you describe those concerns, please.

14 **A.** There were many. As I said, one is it had to be a phone,  
15 and it sounds simple, but a phone you rely on for making phone  
16 calls and being connected and available to use all the time.  
17 Other applications or uses can't get in the way of that  
18 capability. It's -- it's core to it.

19 Secondly, it needs to work completely wirelessly on  
20 cellular networks. Again, easy sounding thing, but on an  
21 advanced new operating system and platform, pretty hard to  
22 build and test as a global product that can roam from cell  
23 tower to cell tower and stay connected, especially with data  
24 uses as well.

25 And then of course it has to have small size, great

1 battery life while being a new generation powerful platform.  
2 So there are many considerations that went into it, and  
3 probably the most important of all of course is the security  
4 and privacy issues. You're carrying this around in your  
5 pocket.

6 **Q.** And can you describe a bit more the thought process around  
7 the security and privacy issues, please.

8 **A.** Yes. The idea of this new computing device in your pocket  
9 means it's capable of more new things. It's going to store  
10 information around in our life that we're not used to having  
11 all the time in our pocket. Simple example of course being  
12 location data, knowing where you are, when you are, how long  
13 you're in places is extremely personal, so these are highly  
14 personal devices with a growing amount of information  
15 available everywhere you go, roaming on other networks  
16 everywhere you go.

17 **Q.** Thank you.

18 And does Apple license iOS to third parties?

19 **A.** No.

20 **Q.** And why not?

21 **A.** That's, you know, not the business we're in. Apple always  
22 considers ourselves not a hardware company, not a software  
23 company, but a product company. We make a product as a  
24 complete experience of the hardware and software working  
25 together to create a unique offering in the market. And as

1 such, the software is part of the product we're making. The  
2 kind of company -- and there are others -- the kind of company  
3 that licenses software for other -- to other companies is just  
4 a very different kind of business model with different  
5 tradeoffs.

6 **Q.** And I hear you alluding to those who make a different  
7 decision. Have any of your competitors made a different  
8 choice in terms of licensing versus not licensing their  
9 software?

10 **A.** Yes.

11 **Q.** And who specifically?

12 **A.** Well, the two most that come to mind of course are Google  
13 and Microsoft.

14 **Q.** And how did Apple evaluate the tradeoffs between choosing  
15 between these different business model options?

16 **A.** Well, it's been our experience that a company that  
17 licenses their operating system to other devices needs to  
18 support a wide range of vendor products: Different chips,  
19 different screens, different designs. And that's not saying  
20 it's good or bad. It's a different model. But in our  
21 opinion, it reduces the quality, it reduces the speed of  
22 innovation because you're now supporting many other companies  
23 who have different ideas of what they want to make.

24 You need to, as a vendor, support those ideas, and that's  
25 the tradeoff we believe that comes about, is you just can't be